

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.33806 of 2008

FARAKUL ANSARI ..... PETITIONER

Versus

THE STATE OF BIHAR ..... OPP. PARTY

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3. 2.12.2008 Heard Sri Arjun Prasad No. 1, Advocate for the petitioner and Sri D. Mehta, APP for the State.

The case is under Section 302, which was initially under Section 307 of the IPC. The grand father of the deceased is the informant and as per his statement while he was ending his fast in the evening of a Ramjan day he learnt that his grand son had been murdered. There is none named in the FIR. Subsequently, the father of the deceased gave another FIR, which is copied in paragraph 31 of the case diary, in which the name of the present petitioner and other two persons with specific allegation of committing the murder of his son.

The contention is that the grand father was ending his fast along with his family members, that could mean that the father of the deceased, whose statement copied in paragraph 31, was also there and thus, it appears a clear improvement on account of some dispute between the parties. It is contended that for the above reason, there is no

support of the allegation of the father of the deceased.

Let petitioner Farakul Ansari be released from custody on furnishing a bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, F.T.C. I, West Champaran at Bettiah in connection with Sessions Trial No. 148 of 2008 arising out of Maina Tand P.S. Case No. 66 of 2007.

**DKS/**

**(Dharnidhar Jha, J.)**

